

No. 9(1)82-6Lab.392.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of Municipal Committee Punjabi Mohalla, Ambala Cantt:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYADA, FARIDABAD

Reference No. 186 of 1981

*between*

SHRIMATI RAMLA, SWEEPRESS, WORKER LADY AND THE MANAGEMENT  
OF MUNICIPAL COMMITTEE, PUNJABI MOHALLA, AMBALA CANTT.

*Present:—*

Worker lady in person.

Shri Jai Bhagwan Sharma, for the management.

#### AWARD

By order No. ID/AMB/158-81/29534, dated 12th June, 1981, the Governor of Haryana referred the following dispute between the management of Municipal Committee, Punjabi Mohalla, Ambala Cantt. and its lady worker Shrimati Ramla, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shrimati Ramla, Sweepress was justified and in order? If so, to what relief is she entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management stated that the workman had been taken back on duty on daily wages and the workman also filed an application for withdrawal of her case. In view of the statements given by the parties, I give my award that the workman had been taken on duty and there was no dispute left pending between the parties.

M. C. BHARDWAJ,

Dated the 21st December, 1981

Presiding Officer,  
Industrial Tribunal, Haryana.

No. 1165, dated 31st December, 1981

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9(1)82-6Lab./396:—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Avon Rubber Work, 3H/30 NIT Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 34 of 1979

*between*

SARV SHRI DEV RAJ, RAM SUBAD, RAM PAIRE, DEWARICK PARSHAD, RANJIT AND  
RAM RAJ, WORKMEN AND THE MANAGEMENT OF M/S. AVON RUBBER WORKS,  
3H/30 NIT FARIDABAD.

*Present:—*

Shri Amar Singh Sharma, for the workmen.

Shri R.N. Rai/Shri N.D. Ahuja, for the management.

## AWARD

By order No. FD/11/164-78/2388.—dated the 12th January, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Aven Rubber Works, 3H/30 NIT, Faridabad and its workman S/Shri Dev Raj, Ram Subad, Ram Piare, Dewarick Parshad and Ram Raj, to this Tribunal, for adjudications in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947:—

Whether the termination of services of Sarvshri Dev Raj, Ram Subad, Ram Piare, Dewarick Parshad, Ranjit and Raj was justified and in order? if not, to what relief are they entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleading of the parties issues were framed and the case was fixed for the evidence of the management, who examined Shri N.D. Ahuja Proprietor as MW-1 and the workman produced Shri Dev Raj, Ram Subad, Dewarick Parshad, Ram Piare and Shri Amar Singh Sharma President of the union. Arguments were heard. After hearing of arguments the parties prayed that award may be kept in abeyance as they wish to settle their dispute mutually. Finally both the parties submitted a joint application along with a mutual settlement. By the settlement the management paid a sum of Rs.1475/- to Shri Dev Raj Rs. 1025/- to Shri Ram Subadh, Rs. 1125/- to Shri Ram Piare, Rs. 1025/- to Shri Dewarick Parshad and Rs. 300/- to Shri Ram Jit respectively.

Inview of the settlement and keeping inview the satisfaction of the workman I pass may award that the dispute has been settled amicably by the parties. And the worker are not entitled any further relief, I order accordingly.

Dated the 31st December, 1981.

M. C. BHARDWAJ,

Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

No. 1167, Dated the 31st December, 1981.

Forwarded(four copies) to the Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial disputes Act, 1947,

M.C. BHARDWAJ,

Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

No. 9(T-81/6Lab./412)—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Indian Standard Products 16/2, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER,  
LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 108 of 1981

*between*

SHRI SUKHDEO SINGH, WORKMAN AND THE RESPONDENT MANAGEMENT  
OF M/S INDIAN STANDARD PRODUCTS, 16/2, MATHURA ROAD, FARIDABAD.

Shri Darshan Singh, for the workman.

Shri W. C. Sharma, for the respondent management.

## AWARD

This reference No. 108 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD29/81/10097, dated 3rd March, 1981, under section 10 (i) (c) of the Industrial Disputes Act, 1947, existing between the workman Shri Sukhdeo Singh, and the respondent management of M/s. India Standard Products, 16/2, Mathura, Road, Faridabad. The terms of the reference was:—

"Whether the termination of services of Shri Sukhdeo Singh was justified and in order ? If not, to what relief is he entitled ?"

On receiving this reference notices were served on the parties, the parties appeared and filed their pleadings. The case of the workman, according to the claim statement is that the claimant joined the factory on 21st June, 1979 as watchman on a salary of 350/- per month. The management illegally terminated the services of the workman on 25th June, 1980 without any reason or chargesheet. The work and conduct of the workman was quite satisfactory and there was no complaint against him. So he be reinstated with continuity of service and full back wages.

According to the written statement, the reference is incompetent, without substance and bad in law due to the fact that the workman had received his legal dues and full and final on 12th June, 1980. In view of this full and final there is no case with the management in the eye of law. The respondent has no relation of master and servant after 12th June, 1980, so the allegation of termination on 25th June, 1980 does not arise. The reference is erroneously made and there is no union in the factory so the question of termination due to union activities does not arise. The claimant is barred and stopped by his conduct and his admission to prefer this belated demand notice after a lapse of six months in view of full and final settlement. The claimant was never employed by the respondent after 12th June, 1980 after taking his full and final so there is no relationship of employer and employee between the parties. The claim is false and fabricated. On the pleadings of the parties the issue as per reference was drawn on 14th July, 1981 and the respondent gave his documents and oral evidence of Shri Yash Pal Manager as MW-1. The evidence of the management was closed on 2nd September, 1981 and 25th September, 1981 was fixed for the workman's evidence. On that date the management representative was not feeling well and the representative of the workman had no objection to adjourn the case for the next date as the workman was also not present on that date. The case was fixed for 5th October, 1981. On that date the case was called on 10.25 A. M., but none was present from either side. The case was kept pending for the appearance of the parties, then the case was again called at 3.25 P. M. The representative of the management was present but none was present from the side of the workman. So I proceeded *ex parte* against the workman and the date was fixed for the arguments for 16th October, 1981. On that day the representative of the respondent was not ready to argue his case so he requested for the adjournment which was granted and the case was fixed for 23rd October, 1981. On 23rd October, 1981 the *ex parte* arguments were heard and award was reserved. Even after two months have passed when the award was reserved, but there is no application from the side of the workman for setting aside the *ex parte* orders up till today, so I presume that the workman is not interested in the case and did not want to proceed with the case. And there is only one issue in this case as per reference. The representative of the respondent argued that the claimant took his full and final on 12th June, 1980,—vide Ex.M-3 and signed the same and as the claimant has taken his full and final and there was a signature on this document the workman had no case to plead, so he absented himself from the proceedings and the reference was bad in the eye of law because the workman taken his full and final with his own wishes without any pressure and there was no claim after this full and final settlement. There is no case of the workman and the workman is not entitled to any relief.

After hearing the *ex parte* arguments, I am of the view that the workman left the proceeding at stage of his own evidence because he knew that fact about his full and final settlement and he can not want to face any proceeding further. So in these circumstances, the workman is not entitled to any relief. This be read in answer to this reference.

Dated: 4th January, 1982.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorment No. 66, dated 6th January, 1982.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

The 4th February, 1982

No. 9(1)82-6Lab.834.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Mukand Industrial Fastners, M. I. E., Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 29 of 1981

Between

SHRI DALIP SAMANTU, WORKMAN AND THE MANAGEMENT OF M/S MUKAND INDUSTRIAL FASTNERS, M.I.E., BAHADURGARH.

Present:—

No one for the workman.

Shri M. M. Kaushal, for the management.

## AWARD

This reference has been referred to this Court by the Hon'ble Governor,—vide his order No. ID/SPT/75-80/49, dated 29th January 1981 under section 10(i)(c) of the I. D. Act, for adjudication of the dispute existing between Shri Dalip Samantu, workman and the management of M/s Mukand Industrial Fastners, Bahadurgarh. The term of the reference was:—

Whether the termination of services of Shri Dalip Samantu was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance on 7th April, 1981. The management filed their written statement on 10th September, 1981 to the claim statement filed by the workman on 13th August, 1981. The workman was proceeded *ex parte* on 15th October, 1981 when no one appeared on his behalf. *Ex parte* evidence of the management was recorded on 4th January, 1982. The management examined Shri Pusa Ram Supervisor as their only witness who deposed that he had brought the attendance and wages register from 75 to 80-81. The workman absented himself from 3rd April, 1980 onwards. *Ex M-1* notice was served on the workman. The workman was laid off on 27th February, 1980 which was lifted on 2nd April, 1980. The workers were issued notices to report for duties but none of them reported for the same and all the workers collected their full and final account. He further deposed that he had brought the resignation submitted by the workmen on 26th June, 1980 and onwards upto 18th September, 1980. The workman did not come to join their duties upto September, 1980. And after waiting for him upto September, 1980 the name of the workman was not carried forward in the month of October, 1980.

I have no reason to disbelieve the *ex parte* statement of the management witness which goes unrebutted when the workman has not cared to pursue his demand leading to the reference. Relying on his statement I hold that the management did not terminate the services of the workman and the workman abandoned his services wilfully by remaining absent from 3rd April, 1980 onwards upto 30th September, 1980 and there was no Industrial Dispute under section 2(A) of the I. D. Act between the parties, requiring any adjudication. The workman is not entitled to any relief. The reference is answered and returned accordingly.  
Dated, the 10th January, 1982.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endst. No. 314, Dated 18th January, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court Haryana,  
Rohtak.

No. 9(1)82-6Lab/855.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947(Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Standard Dyer Sector 24 Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 35 of 1981.

Between

SHRI RAM ASREY WORKMAN AND THE MANAGEMENT OF M/S STANDARD  
DYER SECTOR 24-FARIDABAD

Present :—

Shri Sunhari Lal for the workman  
Shri K.K. Parashar for the management.

## AWARD

By order No. ID/FD/3/80/8500, dated 16th February, 1981 the Governor of Haryana referred the following dispute between the management of M/s Standard Dyer Sector-24, Faridabad and its workman Shri Ram Asrey, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Asrey was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed and the case was fixed for the evidence of the workman. But on 2nd December, 1981 the management filed a settlement Ex. M-1. According to the settlement the management agreed to pay a sum of Rs. 1121-36 to the workman. After receipt of the above said sum the workman shall have no right of reinstatement or reemployment or any type of claim whatsoever. In view of the settlement I give my award that the dispute has been settled between the parties.

Dated the 18th January, 1982.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 67, dated 19th January, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad

No. 9(1)82-6Lab/884.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Amogh Engineering Works, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD

Reference No. 26 of 1981  
between

SHRI ASHRU KHAN, WORKMAN AND THE MANAGEMENT OF M/S AMOGH  
ENGINEERING WORKS, FARIDABAD

Present: —

Shri Amar Singh Sharma for the workman.  
Shri K. P. Agrawal for the management.

#### AWARD

By order No. ID/FD/199-80/6742 dated the 4th February, 1981 the Governor of Haryana, referred the following dispute between the management of M/s. Amogh Engineering Works Faridabad and its workman Shri Ashru Khan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the dismissal of Shri Ashru Khan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed and the case was fixed for the evidence of the management. The parties led their evidence and the case was fixed for hearing of arguments. But on the date fixed the parties stated that a settlement had been arrived at between the parties. The representative for the management stated that the workman has settled his dispute with the management and according to the settlement the workman had received Rs. 1,000/- from the management in full and final accounts and he shall have no right for reinstatement or reemployment and any type of claim if any. The workman also agreed to the statement of the representative for the management.

In view of the statements given by the parties and settlement Ex. M-1, I give my award that the dispute had been settled and there was no dispute left pending for adjudication between the parties.

Dated the 18th January, 1982.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

Endst. No. 60 dated the 19th January, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

H. L. GUGNANI,  
Commissioner and Secretary to Government, Haryana,  
Labour and Employment Department.